

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
For:

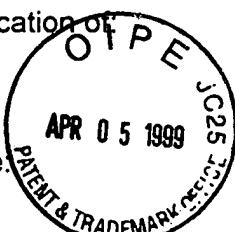
Serial No.:

Filing Date:

Group:

Examiner:

Attorney's Docket No.:



Philip R. Lichtman
MOTORIZED FOCUSING DEVICE AND VIEWING
SYSTEM UTILIZING SAME
09/193,597
11/17/98
3737
Unknown
OKTA-14

RECEIVED

APR 07 1999

Group 3700

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS

The undersigned, Koichiro Hori, hereby declares that he is a Vice President of Vista Medical Technologies, Inc., a Delaware corporation having a principal place of business at Carlsbad, California, and is empowered to act on behalf of said corporation in this matter; that said corporation qualifies as a small business concern as defined in 13 C.F.R. 121.3-18 for purposes of paying reduced fees under Title 35, United States Code, Sections 41(a) and (b), in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons; and that on information and belief, exclusive rights under contract have been conveyed to and remain in said corporation with regard to the invention described and claimed in the above-identified U.S. patent application.

For purposes of this statement, the number of employees of said corporation is the average over the previous fiscal year of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application, any patent issuing thereon, or any patent to which this verified statement is directed.

VISTA MEDICAL TECHNOLOGIES, INC.

Date: 3/23/99

By:

Koichiro Hori
Vice President